

Appln. No. 09/899,863  
AMENDMENT  
Docket No. NZK-128-1

### **REMARKS**

Claims 1-3 and 29-36 are pending herein. By this Amendment, Claims 26-28 are canceled, without prejudice or disclaimer; Claims 1-3 are amended; and new Claims 29-36 are added. Support for the claim amendments and new claims is found in the specification at, *inter alia*, paragraph [0014] and Example 2. No new matter is added by this Amendment.

Applicants thank Examiner Winkler for considering the Bernarous reference (FR 2720068) to the extent of the English abstract and figures. Applicants confirm that the claimed SEQ ID is not taught or suggested by the Bernarous reference.

Claims 1-3 were rejected under 35 U.S.C. 101 as assertedly being directed to non-statutory subject matter.

Applicants assert that in view of the specification, one of ordinary skill in the art would have reasonably known that the claimed proteins were purified or isolated by genetic engineering. Further, the Examiner has not established that proteins having an amino acid sequence wherein one amino acid residue in the amino acid sequence represented by SEQ ID NO:1 is deleted, added, or substituted as recited in Claims 2 and 30 are naturally occurring. Nevertheless to advance prosecution, Claims 1-3 are amended to recite an "isolated" or "purified" protein as suggested by the Examiner. In addition, new Claims 29-36 recite that the protein is purified or isolated or obtained by genetic engineering. Thus, the requirements of 35 U.S.C. 101 are satisfied and the rejection is rendered moot. Reconsideration and withdrawal of the rejection are respectfully requested.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this Amendment or the application in general, a telephone call to

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the undersigned would be appreciated since this should expedite the prosecution of the application.

Please charge \$84.00 for an additional independent claim to Deposit Account No. 501032. If there are any discrepancies in the fees, please charge or credit our Deposit Account No. 501032 (Docket No. NZK-128-1).

Respectfully submitted,



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